

Applicant : David S. Lawrence
Appl'n. No.: 10/755,086
Filed: January 9, 2004
Page 2 of 4

REMARKS

Claims 1, 3, 4, 49-123, 127-131, and 133-134 are pending in the subject application.

Notification of Change in Status from Small Entity to Other than Small Entity

Small entity status was previously properly established in good faith in connection with the above-identified application. Subsequently, applicant experienced a change in status for this application resulting in loss of entitlement to small entity status.

No fee deficiency payment is owed in connection with this change in status.

Restriction Requirement

The Examiner required restriction to one of the following two Groups of inventions under 35 U.S.C. §121:

- I. Claims 1, 3, and 4, drawn to a method of identifying a compound that inhibits a kinase by providing a fluorogenic substrate peptide for the kinase and measuring changes in fluorescence intensity with or without the presence of a given compound; and
- II. Claims 49-123, 127-131, and 133-134, drawn to a substrate or chemical compound that can be photoactivated and is a fluorogenic substrate for kinases.

In reply, applicant elects to prosecute the invention identified by the Examiner as Group II, i.e. Claims 49-123, 127-131, and 133-134, drawn to a substrate or chemical compound that can be photoactivated and is a fluorogenic substrate for kinases. Applicant reserves the right to pursue process claims that depend from or otherwise require all the limitations on an allowable product claim.

Election of Species Requirements

The Examiner also required an election of species from each of genus groups A-E as follows:

- A. the various types of kinase to be tested by a substrate (see, e.g., Claims 68-70);
- B. the various molecules comprising the substrate (see, e.g., Claim 71);
- C. the various fluorophores (see, e.g., Claims 78-80);
- D. the various linkers (see, e.g., Claims 82-85); and
- E. the various compounds set forth in Table 3 (see, e.g., Claim 88).

In reply, applicant elects the following:

- A. For the various types of kinases to be tested by a substrate, applicant elects a substrate specific for isoforms α , β and γ of protein kinase C (e.g., Claim 69);
- B. For the various molecules comprising the substrate, applicant elects a substrate further comprising a lipid;
- C. For the various fluorophores, applicant elects 7-nitrobenz-2-oxa-1,3-diazole (e.g., Claim 78);
- D. For the various linkers, applicant elects an arylamine linker; and
- E. For the various compounds set forth in Table 3, applicant elects Compound 21 in Table 3.

Identification of Claims encompassing the elected invention

The following claims encompass the elected invention: Claims 49-69, 71-78, 81, 83, 86-91, 95, 97-100, 102-109, 112, 114, 116-119, 121-123, 127-131, and 133-134.

Applicant : David S. Lawrence
Appl'n. No.: 10/755,086
Filed: January 9, 2004
Page 4 of 4

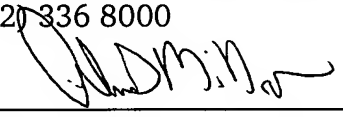
CONCLUSIONS

A check for \$450.00 is enclosed for a two month extension of time. No other fee is deemed necessary in connection with the filing of this reply. However, if any other fee is required with this submission or to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Any overpayment may be credited to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 336 8000

Dated: September 27, 2006
New York, New York

By 
Alan D. Miller, Reg. No. 42,889